

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

TORRANCE UNIFIED SCHOOL  
DISTRICT.

OAH Case No. 2016010810

ORDER GRANTING IN PART  
REQUEST FOR CONTINUANCE AND  
SETTING PREHEARING  
CONFERENCE AND DUE PROCESS  
HEARING DATES

On February 24, 2016, Torrance Unified School District filed a request to continue the dates in this matter with the Office of Administrative Hearings. District's motion did not set forth a reason why it required a continuance until May 17 through 19, 2016. The motion did indicate that District's legal counsel did attempt to contact Student's Parent regarding the continuance to get mutually agreeable dates, but no indication that the continuance request was served on Student's Parent.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See Cal. Rules of Court, rule 3.1332(c).) OAH considers all relevant facts and circumstances, including the proximity of the hearing date; previous continuances or delays; the length of continuance requested; the availability of other means to address the problem giving rise to the request; prejudice to a party or witness as a result of a continuance; the impact of granting a continuance on other pending hearings; whether trial counsel is engaged in another trial; whether the parties have stipulated to a continuance; whether the interests of justice are served by the continuance; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The request is:

☒ Granted in part. All dates are vacated. District did not establish that it needed a continuance of any length more than two weeks since the continuance request did not

contain a declaration of unavailability of either District's legal counsel or any of its witnesses. Therefore, this matter will be set as follows:

Prehearing Conference: March 4, 2016, at 3:00 PM<sup>1</sup>  
Due Process Hearing: March 15, 2016, at 9:30 AM, March 16, 2016, at 9:00 AM, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.<sup>2</sup> Matter is assigned to Administrative Law Judge Kara Hatfield.<sup>3</sup>

The parties shall immediately notify all potential witnesses of the hearing dates, and shall subpoena witnesses if necessary, to ensure that the witnesses will be available to testify. A witness will not be regarded as unavailable for purposes of showing "good cause" to continue the hearing if the witness is not properly notified of the hearing date or properly subpoenaed, as applicable.

IT IS SO ORDERED.

DATE: February 26, 2016

DocuSigned by:  
*Peter Paul Castillo*  
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PETER PAUL CASTILLO  
Presiding Administrative Law Judge  
Office of Administrative Hearings

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<sup>1</sup> Student's Parent shall file any needed PHC Conference Statement by 5:00 PM, on Tuesday March 1, 2016, and participate in the scheduled PHC. Failure to do so may cause Student's complaint to be dismissed.

<sup>2</sup> Nothing in this order prevents the District from requesting a further continuance at the PHC set forth in this order.

<sup>3</sup> OAH is aware that District may have attempted to file a peremptory challenge as to ALJ Hatfield. District is requested to file peremptory challenges in advance of scheduled PHC's with enough time so that OAH may process the challenge in a timely manner.